

**DECLARATION (37 CFR §1.63) AND POWER OF ATTORNEY**

As a below-named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name, and

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled **Highly Selective Norepinephrine Reuptake Inhibitors and Methods of Using the Same**, Docket No. 6248.N, the specification of which

☐ is attached hereto.

☒ was filed on June 22, 2000, as Application Serial No. 09/599,213, and was amended on .

☐ was filed on as PCT International Application No. PCT/US and was amended under PCT Article 19 on , if applicable.

I hereby state that I have reviewed and understood the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with 37 CFR §1.56(a).

I hereby claim the benefit under 35 USC §119(e) of any United States provisional application(s) listed below:

<u>Application Serial No.</u>	<u>Filing Date (Day/Month/Year)</u>
60/141,968	July 1, 1999
60/144,131	July 16, 1999
60/158,256	October 6, 1999
60/170,381	December 13, 1999

I hereby claim foreign priority benefits under 35 USC §119(a)-(d), or §365(b), of any foreign application(s) for patent or inventor's certificate or §365(a) of any PCT International Application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application for patent or inventor's certificate or any PCT International Application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application on which priority is claimed:

<u>Application Serial No.</u>	<u>Country</u>	<u>Filing Date (Day/Month/Year)</u>	<u>Priority Claimed (Yes/No)</u>
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I hereby claim the benefit under 35 USC §120, of any United States application(s) or PCT International Application(s) designating the United States of America that is/are listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application(s) in the manner provided by the first paragraph of 35 USC §112, I acknowledge the duty to disclose material information as defined in 37 CFR §1.56(a), which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

**Application  
Serial No.**

**Filing Date**

**Status (Patented,  
Pending, Abandoned)**

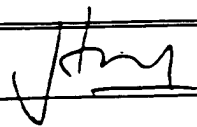
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

I hereby appoint as my attorneys or agents with full power of substitution and revocation to prosecute this application and all divisions and continuations thereof and to transact all business in the Patent and Trademark Office connected therewith:


Carl W. Battle (Registration No. 30,731)	Edward F. Rehberg (Registration No. 34,703)
James D. Darnley, Jr. (Registration No. 32,958)	Bruce A. Pokras (Registration No. 32,748)
Bruce Stein (Registration No. 27,231)	Ellen K. Park (Registration No. 34,055)
Thomas A. Wootton (Registration No. 35,004)	James J. Napoli (Registration No. 32,361)
Lucy X. Yang (Registration No. 40,259)	Sandip H. Patel (Registration No. 43,848)
Andrew M. Solomon (Registration No. 32,175)	James P. Zeller (Registration No. 28,491)

I hereby request that all correspondence and telephone communications be directed to the following person(s) at the mailing address and telephone number hereafter given:

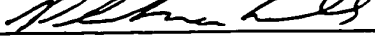
<b>Name</b>	<b>:</b>	<b>James J. Napoli</b>
<b>Registration No.</b>	<b>:</b>	<b>Registration No. 32,361</b>
<b>Address</b>	<b>:</b>	<b>Marshall O'Toole Gerstein Murray &amp; Borun 6300 Sears Tower 233 South Wacker Drive Chicago IL 60606-6402</b>
<b>Telephone No.</b>	<b>:</b>	<b>312-474-6614</b>
<b>Telefax No.</b>	<b>:</b>	<b>312-474-0448</b>

Inventor's Signature  Date 7-31-00

Full name of sole or first inventor: Erik H.F. Wong  
Residence: Portage, Michigan Citizenship: USA  
Post Office Address: 7352 Hampstead Lane, Portage, Michigan 49024

Inventor's Signature  Date 7/19/00

Full name of second joint inventor: Saeeduddin Ahmed  
Residence: Indianapolis, Indiana Citizenship: USA  
Post Office Address: 5002 Brandywine Drive, #416, Indianapolis, Indiana 46241

Inventor's Signature  Date 7-26-00

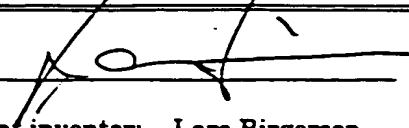
Full name of third joint inventor: Robert C. Marshall  
Residence: Mattawan, Michigan Citizenship: Great Britain  
Post Office Address: 7560 Fieldwood Circle, Mattawan, Michigan 49071

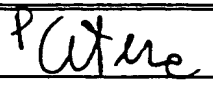
Inventor's Signature  Date 3/AUG/2000

Full name of fourth joint inventor: Robert McArthur  
Residence: Kalamazoo, Michigan Citizenship: Great Britain  
Post Office Address: 531 Carrington Court, Kalamazoo, Michigan 49009

Inventor's Signature  Date 07/31/00

Full name of fifth joint inventor: Duncan P. Taylor  
Residence: Kalamazoo, Michigan Citizenship: USA  
Post Office Address: 8722 West F Avenue, Kalamazoo, Michigan 49009

Inventor's Signature		Date	7-19-00
Full name of sixth joint inventor: Lars Birgerson			
Residence: Martinsville, New Jersey		Citizenship: Sweden	
Post Office Address: 54 Hillcrest Road, Martinsville, New Jersey 08836			

Inventor's Signature		Date	7-18-00
Full name of seventh joint inventor: Pasquale Cetera			
Residence: Annandale, New Jersey		Citizenship: Italy	
Post Office Address: 5 Pine Place, Annandale, New Jersey 08801			

6248.N



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
ASSISTANT SECRETARY AND COMMISSIONER  
OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

SEPTEMBER 26, 2000

PTAS

PHARMACIA & UPJOHN  
JULIE LYONS, LEGAL ASSISTANT  
GLOBAL INTELLECTUAL PROPERTY  
301 HENRIETTA STREET  
KALAMAZOO, MICHIGAN 49001-0199

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\*700002187A\*

UNITED STATES PATENT AND TRADEMARK OFFICE  
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 09/26/2000

REEL/FRAME: 010988/0398  
NUMBER OF PAGES: 5

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR: WONG, ERIK H. F.	DOC DATE: 08/03/2000
ASSIGNOR: AHMED, SAEEDUDDIN	DOC DATE: 08/03/2000
ASSIGNOR: MARSHALL, ROBERT C.	DOC DATE: 08/03/2000
ASSIGNOR: MCARTHUR, ROBERT	DOC DATE: 08/03/2000
ASSIGNOR: TAYLOR, DUNCAN P.	DOC DATE: 08/03/2000
ASSIGNOR: BIRGERSON, LARS	DOC DATE: 08/03/2000

ASSIGNOR:  
CETERA, PASQUALE

DOC DATE: 06/03/2000

010986/0398 PAGE 2

ASSIGNEE:  
PHARMACIA & UPJOHN COMPANY  
301 HENRIETTA STREET  
GLOBAL INTELLECTUAL PROPERTY  
KALAMAZOO, MICHIGAN 49001

SERIAL NUMBER: 09599213  
PATENT NUMBER:

FILING DATE: 06/22/2000  
ISSUE DATE:

SHIRLIE SIMON, EXAMINER  
ASSIGNMENT DIVISION  
OFFICE OF PUBLIC RECORDS

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             Company:    JULIE LYONS, LEGAL ASSISTANT  
             Fax Number: 16168338897  
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**PATENTS ONLY****PATENTS ONLY**

To the Hon rable Commissioner of Patents & Trademarks:  
Please record the attached riginal document r copy thereof.

**1. Name of Party(ies) conveying an interest:**

Erik H.F. Wong      Duncan P. Taylor  
Saeeduddin Ahmed    Lars Birgeron  
Robert C. Marshall    Pasquale Cetera  
Robert McArthur

**2. Name and address of Party(ies) receiving an interest:**

Pharmacia & Upjohn Company  
Global Intellectual Property  
301 Henrietta Street  
Kalamazoo, MI 49001

**3. Description of the interest conveyed:**

☒ Assignment      ☐ Merger  
☐ Security Agmt    ☐ Change of Name  
☐ Other

Execution Date: August 3, 2000

**4. Application number(s) or patent number(s). Additional sheet attached ☐ Yes ☒ No**  
If this document is being filed together with a new application, the execution date of the application is: \_\_\_\_\_ date**A. Patent Application No.(s)**

09/599,213, filed June 22, 2000

**B. Patent No.(s)****5. Name and address of party to whom correspondence concerning this document should be faxed:**

Julie Lyons, Legal Assistant  
Pharmacia & Upjohn, 0228-32-LAW  
Global Intellectual Property  
301 Henrietta Street  
Kalamazoo, Michigan 49001-0199

**Fax Number 616-833-8897**

**6. Number of applications and patents involved:**

One

**7. Amount of fee enclosed or authorized to be charged:**

\$40.00

**8. Deposit account number: 21-0718**

DO NOT USE THIS SPACE

**9. Statement and signature.**

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

Julie Lyons  
Signature

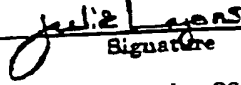
Julie Lyons, Legal Assistant  
Name of Person Signing

Date: September 26, 2000



09/26/2000

PATENT/Docket No.: 6248.N/28341

PATENTS ONLY		PATENTS ONLY	
To the Honorable Commissioner of Patents & Trademarks: Please record the attached original document or copy thereof.			
1. Name of Party(ies) conveying an interest:  Erik H.F. Wong      Duncan P. Taylor Saeeduddin Ahmed      Lars Birgersson Robert C. Marshall      Pasquale Cetera Robert McArthur		2. Name and address of Party(ies) receiving an interest:  Pharmacia & Upjohn Company Global Intellectual Property 301 Henrietta Street Kalamazoo, MI 49001	
3. Description of the interest conveyed:  <input checked="" type="checkbox"/> Assignment <input type="checkbox"/> Merger <input type="checkbox"/> Security Agmt <input type="checkbox"/> Change of Name <input type="checkbox"/> Other			
Execution Date: August 3, 2000			
4. Application number(s) or patent number(s). Additional sheet attached <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If this document is being filed together with a new application, the execution date of the application is: _____ date			
A. Patent Application No.(s) 09/609,213, filed June 22, 2000		B. Patent No.(s)	
5. Name and address of party to whom correspondence concerning this document should be faxed:  Julia Lyons, Legal Assistant Pharmacia & Upjohn, 0228-32-LAW Global Intellectual Property 301 Henrietta Street Kalamazoo, Michigan 49001-0199  <b>Fax Number 616-833-8897</b>		6. Number of applications and patents involved:  One	
		7. Amount of fee enclosed or authorized to be charged: \$40.00	
		8. Deposit account number: 21-0718	
DO NOT USE THIS SPACE			
9. Statement and signature. To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.			
 Signature		<u>Julia Lyons, Legal Assistant</u> Name of Person Signing	
Date: <u>September 26, 2000</u>			

# ASSIGNMENT

Title: Highly Selective Norepinephrine Reuptake Inhibitors and Methods of Using the Same  
 Inventors: Erik H.F. Wong, Saeeduddin Ahmed, Robert C. Marshall, Robert McArthur, Duncan P. Taylor, Lars Birgersson, Pasquale Cetera  
 Serial No.: 09/599,213 Filing Date: June 22, 2000  
 Docket No.: 6248.N Country: USA

As a below-named inventor, I hereby declare that:

My post office address is as stated below under my signature and I am named as inventor of the inventions or discoveries (herein INVENTIONS) as described in the patent application (herein APPLICATION) identified above. In view of valuable consideration, receipt thereof is hereby acknowledged, I do hereby assign and transfer unto PHARMACIA & UPJOHN COMPANY, a corporation of the State of Delaware having a place of business at Kalamazoo, Michigan, its successors and assigns, my entire interest in and the full and exclusive right to the INVENTIONS, the APPLICATION and all related applications (including all divisions, reissues, continuations, and extensions thereof) and all counterparts in other countries, and any and all Letters Patent (and certificates of invention or similar certificates) (herein PATENTS) which may be granted based upon the INVENTIONS or the APPLICATION or related applications or counterparts in other countries; said transfer and assignment being applicable throughout the world. I hereby authorize and request officials of patent offices in any and all countries of the world to issue any and all of the PATENTS, when granted, to PHARMACIA & UPJOHN COMPANY, its successors and assigns, as the assignee of my entire right, title, and interest in and to the same. I agree that I will communicate to PHARMACIA & UPJOHN COMPANY, or its representatives, any facts known to me respecting the invention; testify in any legal proceedings; sign all lawful papers; execute all divisional, continuation, substitution, renewal, and reissue applications; execute all necessary assignment papers to cause any and all of the PATENTS to be issued to PHARMACIA & UPJOHN COMPANY; make all rightful oaths; and generally do everything possible to aid PHARMACIA & UPJOHN COMPANY, its successors and assigns, to obtain and enforce proper protection for the INVENTION in any and all countries throughout the world.

FULL NAME OF FIRST/SOLE INVENTOR: Erik H.F. Wong

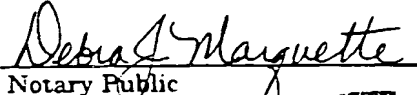
Signature of Inventor: 

Address: 7352 Hampstead Lane, Portage, Michigan 49024

STATE OF MICHIGAN  
 COUNTY OF KALAMAZOO

On July 31, 2000, the above-named inventor personally appeared before me and executed the foregoing instrument and acknowledged the same to be his/her free act and deed in and for the purposes set forth in said instrument.

SEAL \_\_\_\_\_

  
 Notary Public

DEBRA J. MARQUETTE  
 Notary Public, Kalamazoo County, MI  
 My Commission Expires 8/25/2004

FULL NAME OF SECOND/JOINT INVENTOR: Saeeduddin Ahmed

Signature of Inventor: [Signature]

Address: 5002 Brandywine Drive, #416, Indianapolis, Indiana 46241

STATE OF INDIANA

COUNTY OF Marion

On July 19<sup>th</sup> 2000, the above-named inventor personally appeared before me and executed the foregoing instrument and acknowledged the same to be his/her free act and deed in and for the purposes set forth in said instrument.

SEAL \_\_\_\_\_

Jamie L. Clark  
Notary Public

Jamie L. Clark

resides in Johnson Co. Commission exp 1-3-2008

FULL NAME OF THIRD/JOINT INVENTOR: Robert C. Marshall

Signature of Inventor: [Signature]

Address: 7560 Fieldwood Circle, Mattawan, Michigan 49071

STATE OF MICHIGAN

COUNTY OF KALAMAZOO

On July 26, 2000, the above-named inventor personally appeared before me and executed the foregoing instrument and acknowledged the same to be his/her free act and deed in and for the purposes set forth in said instrument.

SEAL \_\_\_\_\_

Debra J. Marquette  
Notary Public

DEBRA J. MARQUETTE  
Notary Public, Kalamazoo County, MI  
My Commission Expires 8/25/2004

FULL NAME OF FOURTH/JOINT INVENTOR: Robert McArthur

Signature of Inventor: *Robert McArthur*

Address: 531 Carrington Court, Kalamazoo, Michigan 49009

STATE OF MICHIGAN  
COUNTY OF KALAMAZOO

On August 3, 2000, the above-named inventor personally appeared before me and executed the foregoing instrument and acknowledged the same to be his/her free act and deed in and for the purposes set forth in said instrument.

SEAL \_\_\_\_\_

*Debra J. Marquette*  
Notary Public

DEBRA J. MARQUETTE  
Notary Public, Kalamazoo County, MI  
My Commission Expires 8/25/2004

FULL NAME OF FIFTH/JOINT INVENTOR: Duncan P. Taylor

Signature of Inventor: *Duncan P. Taylor*

Address: 8722 West F Avenue, Kalamazoo, Michigan 49009

STATE OF MICHIGAN  
COUNTY OF KALAMAZOO

On July 31, 2000, the above-named inventor personally appeared before me and executed the foregoing instrument and acknowledged the same to be his/her free act and deed in and for the purposes set forth in said instrument.

SEAL \_\_\_\_\_

*Debra J. Marquette*  
Notary Public

DEBRA J. MARQUETTE  
Notary Public, Kalamazoo County, MI  
My Commission Expires 8/25/2004

FULL NAME OF SIXTH/JOINT INVENTOR: Lars Birgerson

Signature of Inventor: \_\_\_\_\_

Address: 54 Hillcrest Road, Martinsville, New Jersey 08836

STATE OF NEW JERSEY

COUNTY OF Somerset

On 19 July 2000, the above-named inventor personally appeared before me and executed the foregoing instrument and acknowledged the same to be his/her free act and deed in and for the purposes set forth in said instrument.

SEAL \_\_\_\_\_

Lynn Summit Stoeckius  
Notary Public

FULL NAME OF SEVENTH/JOINT INVENTOR: Pasquale Cetera

Signature of Inventor: \_\_\_\_\_

Address: 5 Pine Place, Annandale, New Jersey 08801

STATE OF NEW JERSEY

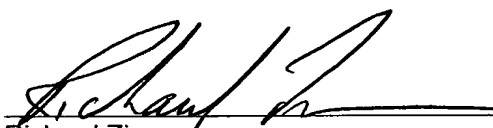
COUNTY OF Somerset

On 19 July 2000, the above-named inventor personally appeared before me and executed the foregoing instrument and acknowledged the same to be his/her free act and deed in and for the purposes set forth in said instrument.

SEAL \_\_\_\_\_

Lynn Summit Stoeckius  
Notary Public

**IN THE UNITED STATES PATENT  
AND TRADEMARK OFFICE**

Applicants: Erik H.F. Wong et al.	)	I hereby certify that this paper is being
	)	deposited with the United States Postal
Serial No.: To be assigned	)	Service, on <b>September 24, 2003</b> , in an
	)	envelope addressed to Mail Stop Patent
Filed: September 24, 2003	)	Application, Commissioner for Patents,
(Herewith)	)	P.O. Box 1450, Alexandria, Virginia
	)	22313-1450, utilizing the "Expresss Mail
Title: METHOD OF TREATING	)	Post Office to Addressee" service of the
FIBROMYALGIA AND OTHER	)	United States Postal Service under
SOMATOFORM DISORDERS	)	Mailing Label No. <b>EV 323772465 US.</b>
	)	
Group Art Unit: To be assigned	)	
	)	
Examiner: To be assigned	)	
	)	
Attorney Docket No.: 28341/6248.10	)	 Richard Zimmermann

**ASSOCIATE POWER OF ATTORNEY**

Mail Stop Patent Application  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Dear Sir:

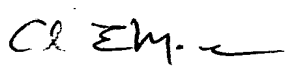
The undersigned attorney of record in the above identified application hereby appoints Sandip H. Patel (Reg. 43,848) as associate attorney to prosecute this application, to make alterations or amendments therein, and to transact any and all business in the Patent and Trademark Office connected therewith.

Respectfully submitted,

MARSHALL, GERSTEIN & BORUN LLP

September 24, 2003

By:

  
\_\_\_\_\_  
Carl E. Moore, Jr. (Reg. No. 26,487)  
Attorneys for Applicants  
6300 Sears Tower  
233 South Wacker Drive  
Chicago, Illinois 60606-6357  
(312) 474-6300 TELEPHONE